

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

William Clark,
Plaintiff

JUDGE'S COPY

No. 1:CV-01-0764

vs.

: (Judge Caldwell)

Martin Horn, et al.,
Defendants

: Jury Trial Demanded

PLAINTIFF'S REPLY TO CORRECTIONS DEFENDANTS
OPPOSITION TO SANCTIONS FILED

Statement Of Case

FILED
HARRISBURG, PA

SEP 05 2002

MARY E. D'ANDREA, CLERK
Per fb Deputy Clerk

A. Identity of the Parties:

Plaintiff, William Clark, is currently incarcerated at the State Correctional Institution at Rockview.

The Department of Corrections employees named as defendants ("Corrections Defendants") are "Martin Horn, Robert Meyers and Larry Lidgett", by and through their attorney, John J. Talaber, Assistant Counsel for the Department of Corrections.

Additional defendants, named "Wexford Health Sources, Inc., and "Wexford Medical Director, Dr. John Symons", (Wexford Defendants), by and through their attorney, James D. Young, Esq.

B. Relevant Procedural History:

Plaintiff for economy requests this Honorable Court refer to "Relevant History" as presented in "Plaintiff's Motion for Appointment of Counsel" filed on August 20, 2002.

Subsequently, "Corrections Defendants" filed "Nunc Pro Tunc": On August 20, 2002, "Brief in Opposition to Plaintiff's Motion for Sanctions" and "Brief in Opposition to Plaintiff's Motion

to Compel Production of Documents".

On August 22, 2002, Plaintiff's Motion for Appointment of Counsel was filed by this Honorable Court.

Argument

Plaintiff avers, it is well documented in these proceedings what has transpired since the onset of "this grievance".

As early as March 25, 2002, "Corrections Defendants" sought to sabotage "Discovery" and basically by-pass "Civil Judicial Rules and Procedures".

From the early stages, they have incorporated a "stratagem" that has been plaintiff's "dilemma" and the reasons for the present unresolved "Motions" at hand, which plaintiff filed to divert and arrest "Corrections Defendants" actions.

All "Motions" and proceedings unresolved to this point are evidence, and of which this Honorable Court is in a position to resolve, and Plaintiff trusts in the wisdom of this Court.

Plaintiff now files this present "Reply" to affirm and oppose the continuation of "Corrections Defendants" actions.

Plaintiff claims:

1) the issues surrounding the "Motion to Compel" and "Motion for Sanctions" are not resolved and therefore cannot be "moot" as erroneously claimed by "Corrections Defendants". These issues are explicitly outlined in aforementioned filings.

2) "Corrections Defendants" erroneously claim they have been "reprimanded" through the August 6, 2002 Order.

3) the pertinent issues and abuses of these proceedings have not been addressed and therefore cannot be considered "moot".

This present "redundant" filing is evidence that Plaintiff

is compelled to "oppose" and use unnecessary resources and is prejudiced by their "frivolous nunc pro tunc" filings.

4) Plaintiff reaffirms his need for Counsel and the claims set forth herein.

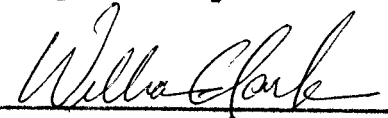
"Corrections Defendants" have filed frivolous Motions, failed to file timely, and abide by "Court Orders", Civil Judicial Rules and Procedures, have been in "Contempt of Court" and abusive in their actions which have prejudiced and severely disadvantaged Plaintiff.

Plaintiff reaffirms, the loss of time, aggravation, cost and resources he has been compelled to endure as outlined in previous filings, are substantial reasons for Sanctions against "Corrections Defendants".

Wherefore, Plaintiff prays, the clarity and wisdom of this Honorable Court, and respectfully requests this Honorable Court grant and resolve the unsettled Motions; grant Plaintiff's "Motion to Impose Sanctions Against Corrections Defendants" or grant such relief to Plaintiff appropriate as this Honorable Court feels is warranted and necessary to resolve and preserve the integrity of these proceedings.

Date Mailed: 9/3/02

Respectfully Submitted



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